

In the Matter of License No. 118785 and Merchant Mariner's Document
No. Z-439977
Issued to: URIAH JONES

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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Uriah Jones

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 17 September, 1951, an Examiner of the United States Coast Guard at New York City revoked License No. 118785 and Merchant Mariner's Document No. Z-439977 issued to Uriah Jones upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as able seaman on board the American SS NEWBERRY VICTORY under authority of the Merchant Mariner's document above described, on or about 31 August, 1951, while said vessel was in the port of New York, New York, he wrongfully had in his possession and control hashish, a narcotic substance.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by some person of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the investigating Officer and Appellant informed the Examiner of the circumstances attending the presence of hashish in Appellant's possession and the Investigating Officer introduced in evidence a Customs laboratory report which identified the substance as 375 grains of hashish.

In defense, Appellant admitted possession of the substance, but stated he did not know of its harmful effect; that he used it occasionally to relieve mental strain - as others indulged in alcohol for the same reason.

At the conclusion of the hearing, the Examiner concluded that the charge had been proved by plea and entered the order revoking Appellant's License No. 118785 and Merchant Mariner's Document No. Z-439977 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard.

From that order, this appeal has been taken, and it is urged:

1. Appellant is not addicted to the use of hashish; his duties on shipboard were not affected by his infrequent use of the drug; he had no intent to smuggle the substance ashore at an American port.
2. He has never been before the Coast Guard during his eight years of service at sea; and will abstain from use of the drug in the future.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 31 August, 1951, Appellant was serving as able seaman on board the American SS NEWBERRY VICTORY, then in the port of New York, and acting under authority of his Merchant Mariner's Document No. Z-439977.

A quantity (375 grains) of hashish was discovered by a Customs officer (some in a bandaid box in Appellant's locker, and some in Appellant's wallet), and Appellant readily admitted his ownership thereof.

The explanation offered by Appellant is that the substance was purchased from a friend in Istanbul, Turkey, to be used occasionally for relief from mental strain. Appellant claims he was not informed of the evil consequences attendant upon the use of the drug until it was discovered and explained by Customs personnel. He had considered its use less harmful than alcohol and it produced less disastrous results than alcohol.

OPINION

For more than thirteen years the Coast Guard, its predecessor in administration of laws relating to merchant seamen (the Bureau of Marine Inspection and Navigation - Department of Commerce), and other federal enforcement agencies have sought to discourage illegal traffic in narcotics and drugs - particularly on vessels of the American merchant marine.

The outstanding purpose of that program, as far as the Coast Guard is concerned, has to do with the safety of life and property at sea and on American vessels wherever they may be; for it has been well known that persons who use drugs and narcotics are not only unreliable should emergency arise, but are unsafe with respect to their own persons and their shipmates. These facts are generally known; and at least one labor organization has a provision in its constitution which suspends any members convicted of narcotic and drug operations.

To effectuate its own part in the over-all program, the Coast Guard has followed a policy established by its predecessor, and upon conviction of a seaman for such an offense, it takes the only action available to it, namely, the revocation of merchant marine documents which the law requires merchant seamen to hold as a condition precedent to employment on American vessels. That policy has also been broadly announced by decisions of Examiners and the Commandant.

So, it is inconceivable that any person of ordinary intelligence, who has followed the sea as long as this Appellant, should be uninformed respecting the Coast Guard's policy in such cases, nor am I satisfied Appellant did not know that the substance which he purchased abroad, and intended to use abroad for its exhilarating or medicinal effects as a substitute for alcohol was a drug. Its very name, place of purchase and acknowledged effect should have warned him of its nature.

CONCLUSION

I find no reason to disturb the Examiner's Order dated New York, N.Y., on 17 September, 1951, and that Order is AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 17th day of December, 1951.